UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MARVIN LEE PRINCE,

Plaintiff,

v.

ROY RYDER, *et al.*,

Defendants.
/

Case No. 1:07-CV-369

Hon. Richard Alan Enslen

JUDGMENT

This motion is before the Court on Plaintiff Marvin Lee Prince's Objections to United States Magistrate Judge Ellen S. Carmody's Report and Recommendation of June 13, 2007 ("Report") which recommended dismissing Plaintiff's claims as frivolous pursuant to 28 U.S.C. §§ 1915(e)(2), 1915A; 42 U.S.C. § 1997(e). This Court now reviews the Report, the Objections, and pertinent portions of the record *de novo* in accordance with 28 U.S.C. § 636(b)(1)(B).

Plaintiff filed his first Objection to the Report on June 25, 2007 and a second Objection on June 28, 2007. Then on July 3, 2007, Plaintiff filed a Motion for an Extension of Time to file Objections. On the same day, Plaintiff filed his third Objection to the Report. Plaintiff filed his fourth and final Objection to the Report on July 6, 2007. Judge Carmody granted Plaintiff's Motion for Enlargement of Time to File Objections to the Report on July 13, 2007, but clarified that the Court would only consider the four Objections filed as of that date. As a result, the Court has reviewed all four of Plaintiff's Objections to the Report.

After review, the Court finds that there is no error in the Report. Plaintiff's Amended Complaint and his four Objections to the Report are frivolous and delusional. As correctly set forth in the Report, a court may dismiss an action where the claim "lacks an arguable basis either in law

or fact." *Neitzke v. Williams*, 490 U.S. 319, 325 (1989); *see also Lawler v. Marshall*, 898 F.2d 1196, 1198 (6th Cir. 1990). "The facts must be delusional to be frivolous." *Lawler*, 898 F.2d at 1199.

Plaintiff objects to the Magistrate Judge's determination that his claims are delusional, arguing simply, "[i]t is rational that Plaintiff was deprived by Director Meon to use a device that [cal]led a death ray, Plaintiff cells has been pumped up with carbon dioxide, and the courts sabotaged Plaintiff appeal. are delusional by repeating them at length." (Dkt. No. 15 at 2.) However, merely reiterating frivolous claims does not make them more rational. Therefore, the Court will deny Plaintiff's Objections.

Further, the Court finds there is no good-faith basis for an appeal within the meaning of 28 U.S.C. § 1915(a)(3). *See McGore v. Wrigglesworth*, 114 F.3d 601, 611 (6th Cir. 1997). Additionally, this dismissal shall count as a strike for the purposes of 28 U.S.C. § 1915(g).

THEREFORE, IT IS HEREBY ORDERED that Plaintiff Marvin Lee Prince's Objections to the Report and Recommendation (Dkt. Nos. 10, 11, 15 & 17) are **DENIED** and the Report and Recommendation (Dkt. No. 7) is **ADOPTED**.

IT IS FURTHER ORDERED that Plaintiff's Complaint (Dkt. 1) and Amended Complaint (Dkt. No. 5) are **DISMISSED WITH PREJUDICE**.

IT IS FURTHER ORDERED that dismissal of this action shall count as a **STRIKE** for the purposes of 28 U.S.C. § 1915(g).

IT IS FURTHER ORDERED that the Court certifies that an appeal of this action would not be taken in good faith pursuant to 28 U.S.C. § 1915(a)(3).

Dated in Kalamazoo, MI:
July 27, 2007

/s/Richard Alan Enslen
Richard Alan Enslen
Senior United States District Judge